

that is useful. In this bill that we have before us today, we are basically changing some of the competent evidence that we have used and utilized in the past on these sorts of offenses and that's very simply the experience and observation, visual observation by an officer. Now, in this case, it is not as significant as in other cases but you should remember and understand that an officer who is trained, who has substantial experience, does have a sense of speed. And in this bill what we are doing is saying we will not permit an officer who is trained, who has experience, maybe 29 1/2 years of experience, as our own Senator Schmitt had, in observing these sorts of offenses, we will not permit that evidence as competent evidence unless it is corroborated by this other sort of evidence, sort of gadgetry evidence, I guess, as the Senator has referred to it. And I'm only concerned about that because I think we have changed a little bit and maybe not significantly but we have changed a little bit the nature of what is and is not competent evidence. In my opinion, what this bill does is takes away some competent evidence that we had before. It is not the kind of evidence on which I would have relied in the last seven years solely to file a charge and it's not the kind of evidence I think that most prosecutors would rely upon to file a speeding charge, but it is important evidence. And the officer's visual observations and the officer's experience and the officer's testimony regarding that, I think, is important. We have changed that if we pass this legislation. Another incident where that occurs more commonly is, let's assume that you have a drunk driver, and this is not relating to this bill, I don't want to confuse the body, but if you have a drunk driver, an officer who is experienced in those matters can testify as to his observations of that drunk driver even if you don't have a test, even if the test is invalid. Now the court doesn't have to believe that, or a jury does not have to believe that. The court...

PRESIDENT MOUL: One minute.

SENATOR HOHENSTEIN: ...will decide whether that evidence is enough, whether it weighs enough to carry the weight of beyond a reasonable doubt. We're not talking about that, we're talking about whether, in fact, you are going to require...you are going to require corroboration of visual evidence of an officer's observation of speed by this gadgetry. And, I guess, my last comment is competent evidence is competent evidence. If it's competent, it ought to remain competent and let's let the court